

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (MODIFIED)

ATTORNEY'S DOCKET NUMBER

X-15584

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

10/521137

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.
PCT/US2003/019554

INTERNATIONAL FILING DATE
11 July 2003 (11.07.2003)

PRIORITY DATE CLAIMED
24 July 2002 (24.07.2002)

**TITLE OF INVENTION: DIHYDRO-DIBENZO[B.E]OXEPINE BASED SELECTIVE ESTROGEN RECEPTOR
MODULATORS, COMPOSITIONS AND METHODS**

APPLICANT(S) FOR DO/EO/US: Owen Brendan Wallace



Applicant herewith submits to the U.S. Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A declaration of the inventors 35 U.S.C. 371(c)(4) was provided in the PCT Request Form.
11. ☒ A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 12. to 18. below concern document(s) or information included:

12. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ Assignment has been recorded at reel _____, frame _____.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☒ A Sequence Listing, 1.821 Statement, and diskette.
18. ☒ A power of attorney with attachment.
18. ☒ Other items or information:

Please amend the first page of the specification by inserting the following cross-reference after the title:
**"This is the national phase application, under 35 USC 371, for PCT/US2003/019554, filed 11 July 2003, which
 claims the benefit, under 35 USC 119(e), of US provisional application 60/398,538, filed 24 July 2002."**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/521137		INTERNATIONAL APPLICATION NO. PCT/US2003/019554		ATTORNEY'S DOCKET NUMBER X-15584	
19. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Stage Fee = \$ 300.00 National Stage Search Fee = \$ 500.00 National Stage Examination Fee = \$ 200.00 TOTAL NATIONAL STAGE FEES \$1,000.00 (a) Application Length Fee Total Length (excluding sequence listings) 47 - 100 + 50 x 250 = 0 (b)				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE AMOUNT (a + b) =				\$ 1,000.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	24 -20=	4	X \$50.00	\$ 200.00	
Independent claims	4 -3=	1	X \$200.00	\$ 200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 400.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$ 1,400.00	
Processing fee of \$130.00 for furnishing English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 1,400.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 1,400.00	
				Amount to be refunded	\$
				charged	\$
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 05-0840 in the amount of \$ 1,400.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: ELI LILLY AND COMPANY PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, INDIANA 46206-6288 <u>1/11/05</u> DATE 43,972 REGISTRATION NUMBER		 SIGNATURE Gilbert T. Voy NAME (317) 276-2966 TELEPHONE NUMBER		 25885 PATENT TRADEMARK OFFICE	

10/521137

DT12 Rec'd PCT/PTO 12 JAN 2005

IN THE UNITED STATES RECEIVING OFFICE (USRO)

Applicant(s): **Owen Brendan Wallace**

International Application No.: **PCT/US2003/019554**

Filed: **11 July 2003 (11.07.2003)**

Invention: **DIHYDRO-DIBENZO[B.E]OXEPINE BASED SELECTIVE ESTROGEN
RECEPTOR MODULATORS, COMPOSITIONS AND METHODS**

Lilly Reference: **X-15584**

Earliest Priority Date: **24 July 2002 (24.07.2002)**

Certificate Under 37 C.F.R. § 1.10

Attention: DO/EO
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

"Express Mail" mailing label number: EL832954751US

Date of Deposit: 1-12-2005

I hereby certify that the following attached paper or fee

Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

QUEEN P Thomas
(Typed or printed name of person mailing paper)

Queen C Thomas
(Signature of person mailing paper or fee)